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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,170	04/22/2004	Chen-Ni Lee	0941-0955PUS1	5776
2292	7590	10/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DINH, TRINH VO	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,170	<b>Applicant(s)</b> LEE, CHEN-NI	
	<b>Examiner</b> Trinh Vo Dinh	<b>Art Unit</b> 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.  
4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 15-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse in the reply filed on 10/03/2005 is acknowledged. The traversal is on the ground(s) that the species can be examined without burden to the office. The Examiner disagrees and asserts that examination of all species will present an undue burden. Therefore, the requirement is still deemed proper and is therefore made FINAL. Accordingly, non-elected claims 1-14 have been withdrawn from a consideration. It is advised that the cancellation of non-elected claims 1-14 by the Applicant is required.

### ***Claim Objections***

2. In claim 21, the recitation "can be" is not a positive term for the invention. The Examiner suggests changing "can be" to "is". Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong (US 2004/0051474 A1).

Respecting claim 15, Wong discloses a belt structure (Fig. 20) for binding a material,

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at least one light emitting device (203) on the belt structure, a control module (202) for generating a control signal to manipulate patterns, amplitude and duration of the light emitting devices; and a power supply (204) for supplying electrical power to the light emitting devices.

Respecting claim 16, Wong discloses the belt structure further comprising a sensor (Fig. 3) to detect physical changes the surroundings and generate an indication signal for the control module.

Respecting claims 17-18, Wong discloses a mode option to allow users to select light emitting mode and feedback a selection signal to the control module (paragraph [0025], or page 6), and further discloses a timer (49 or paragraph [0023]) to measure duration of the light emitting device and transmit a timing signal to the control module.

Respecting claim 20, Wong further more discloses a switch (23, paragraph [0023]) for controlling whether electrical power is supplied to the light emitting device, the sensor and the control module.

5. Claims 15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Reho (US 6,830,344 B2).

Redo discloses a belt structure (202 in Figs. 3-4, col. 6, lines 39-48) for binding a material, at least one light emitting device (303) on the belt structure, a control module (220, 222, 224) for generating a control signal to manipulate patterns, amplitude and duration of the light emitting devices; and a power supply (704) for supplying electrical power to the light emitting devices. Redo further discloses an optical component (308, 310, 314 in col. 6, lines 21-37) to transform the light generated by the LEDs device (302) and displays specific pattern.

***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong.

Wong discloses every feature of the claimed invention except the switch being turned on by connecting first and second end of the belt structure. However, connecting the ends of a wearable personnel item for powering the light has been a well-known practice in the art. Therefore, connecting two ends of Wong's belt to turn on the light emitting device would have been obvious to one skill in the art.

#### *Inquiry*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Trinh Vo Dinh', followed by a long horizontal line.

*Trinh Vo Dinh*  
*October 17, 2005*